

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

AMINADAD GONZALEZ,)
vs.)
Plaintiff,) No. 03:13-cv-02221-HU
vs.)
PORTLAND POLICE BUREAU, WILLIAM)
JOHNSON, HYTHUM ISMAIL, ANDREW)
HEARST, and CHRISTOPHER LINDSEY,) FINDINGS & RECOMMENDATION
Defendants.) ON MOTION TO DISMISS

Aminadad Gonzalez
SID 15357043
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

Plaintiff appearing *pro se*

James G. Rice
Deputy City Attorney
City of Portland
1221 SW Fourth Avenue, Room 430
Portland, OR 97204

Attorney for Defendants

1 HUBEL, United States Magistrate Judge:

This matter is before the court on motion of the defendant Portland Police Bureau ("PPB") to dismiss it pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. Dkt. #23. The PPB argues it is an improper party in this action because it "is not a 'person' subject to liability under federal civil rights law." *Id.*, p. 2.

8 Despite defense counsel's discussion with the plaintiff
9 regarding this matter, see *id.*, p. 1, and the court's order
10 directing the plaintiff to file his opposition to the motion by
11 July 23, 2014, the plaintiff has failed to respond. Indeed, the
12 court can conceive of no argument the plaintiff could make that
13 would justify denying the PPB's motion. As other judges of this
14 court have recognized, "[c]ourts have repeatedly decided that city
15 police departments cannot be sued under federal civil rights laws."
16 *Keller v. City of Portland*, Case No. 98-cv-263-ST, 1998 WL 1060222,
17 at **3-4, *Findings and Recommendations* (D. Or. Nov. 13, 1998)
18 (citations omitted) (Stewart, MJ); adopted by Judge Ancer L.
19 *Haggerty*, Dkt. #64 (Feb. 12, 1999).

20 The undersigned **recommends** the motion be granted, and the PPB
21 be dismissed from this action.

SCHEDULING ORDER

24 These Findings and Recommendations will be referred to a
25 district judge. Objections, if any, are due by **August 4, 2014**. If
26 no objections are filed, then the Findings and Recommendations will
27 go under advisement on that date. If objections are filed, then
28 any response is due by **September 2, 2014**. By the earlier of the

1 response due date or the date a response is filed, the Findings and
2 Recommendations will go under advisement.

3 IT IS SO ORDERED.

4 Dated this 16th day of July, 2014.

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6 /s/ Dennis J. Hubel

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8 Dennis James Hubel
United States Magistrate Judge

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